

(1) in paragraph (1), by striking "a State, or subdivision of a State" and inserting "a covered entity or a subdivision of such an entity";

(2) in paragraph (2), by striking "term" and all that follows through "includes" and inserting "term 'covered entity' means"; and

(3) in paragraph (4), by striking all after "means," and inserting "any exercise of religion, whether or not compelled by, or central to, a system of religious belief, and includes (A) the use, building, or conversion of real property by a person or entity intending that property for religious exercise; and (B) any conduct protected as exercise of religion under the first amendment to the Constitution."

(b) CONFORMING AMENDMENT.—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is amended by striking "and State".

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "religious exercise" means any exercise of religion, whether or not compelled by, or central to, a system of religious belief, and includes (A) the use, building, or conversion of real property by a person or entity intending that property for religious exercise; and (B) any conduct protected as exercise of religion under the first amendment to the Constitution;

(2) the term "Free Exercise Clause" means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion and includes the application of that proscription under the 14th amendment to the Constitution;

(3) the term "land use regulation" means a law or decision by a government that limits or restricts a private person's uses or development of land, or of structures affixed to land, where the law or decision applies to one or more particular parcels of land or to land within one or more designated geographical zones, and where the private person has an ownership, leasehold, easement, servitude, or other property interest in the regulated land, or a contract or option to acquire such an interest;

(4) the term "program or activity" means a program or activity as defined in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a);

(5) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(6) the term "government"—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, subdivision, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 3(a) and 5, includes the United States, a branch, department, agency, instrumentality or official of the United States, and any person acting under color of Federal law.

After further debate,

Pursuant to said resolution, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to the further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

Mr. NADLER demanded that the vote be taken by the yeas and nays, which

demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 190
negative Nays 234

¶78.8

[Roll No. 298]

YEAS—190

Abercrombie	Gutierrez	Moore
Ackerman	Hastings (FL)	Moran (VA)
Allen	Hill (IN)	Morella
Andrews	Hilliard	Murtha
Baird	Hinchee	Nadler
Baldacci	Hinojosa	Napolitano
Barrett (WI)	Hoeffel	Neal
Becerra	Holden	Oberstar
Bentsen	Holt	Obey
Berkley	Hooley	Oliver
Berman	Horn	Owens
Bilbray	Houghton	Pallone
Bishop	Hoyer	Pascarell
Blagojevich	Inslee	Pastor
Blumenauer	Jackson (IL)	Payne
Boehlert	Jackson-Lee	Pelosi
Bonior	(TX)	Pomeroy
Borski	Jefferson	Price (NC)
Boswell	Johnson (CT)	Rahall
Boucher	Johnson, E. B.	Rangel
Brady (PA)	Jones (OH)	Reyes
Brown (FL)	Kanjorski	Rodriguez
Brown (OH)	Kaptur	Roemer
Capps	Kelly	Rothman
Capuano	Kennedy	Roybal-Allard
Cardin	Kildee	Rush
Carson	Kilpatrick	Sabo
Castle	Kind (WI)	Sanchez
Clay	Kleczka	Sanders
Clayton	Klink	Sandlin
Clyburn	Kolbe	Sawyer
Condit	Kucinich	Schakowsky
Conyers	LaFalce	Scott
Coyne	Lampson	Serrano
Crowley	Lantos	Shays
Cummings	Larson	Sherman
Davis (IL)	Leach	Sisisky
DeFazio	Lee	Slaughter
DeGette	Levin	Smith (WA)
Delahunt	Lewis (GA)	Snyder
DeLauro	Lofgren	Stabenow
Deutsch	Lowey	Stark
Dicks	Luther	Strickland
Dingell	Maloney (CT)	Stupak
Dixon	Maloney (NY)	Tauscher
Doggett	Markey	Thompson (CA)
Dooley	Martinez	Thompson (MS)
Doyle	Mascara	Tierney
Engel	Matsui	Towns
Eshoo	McCarthy (MO)	Udall (CO)
Etheridge	McCarthy (NY)	Udall (NM)
Evans	McGovern	Velazquez
Farr	McKinney	Vento
Fattah	Meehan	Visclosky
Filner	Meek (FL)	Waters
Foley	Meeks (NY)	Watt (NC)
Forbes	Menendez	Waxman
Ford	Millender-	Weiner
Frank (MA)	McDonald	Wexler
Gedensson	Miller, George	Weygand
Gephardt	Minge	Wise
Gilman	Mink	Woolsey
Gonzalez	Moakley	Wu
Greenwood	Mollohan	Wynn

NAYS—234

Aderholt	Bono	Cooksey
Archer	Boyd	Costello
Armey	Brady (TX)	Cox
Bachus	Bryant	Cramer
Baker	Burr	Crane
Ballenger	Burton	Cubin
Barcia	Buyer	Cunningham
Barr	Callahan	Danner
Barrett (NE)	Calvert	Davis (FL)
Bartlett	Camp	Davis (VA)
Barton	Campbell	Deal
Bass	Canady	DeLay
Bateman	Cannon	DeMint
Bereuter	Chabot	Diaz-Balart
Berry	Chambliss	Dickey
Biggart	Clement	Doolittle
Bilirakis	Coble	Dreier
Bliley	Coburn	Duncan
Blunt	Collins	Dunn
Boehner	Combest	Edwards
Bonilla	Cook	Ehlers

Ehrlich	Lewis (CA)	Salmon
Emerson	Lewis (KY)	Sanford
English	Linder	Saxton
Everett	Lipinski	Scarborough
Ewing	LoBiondo	Schaffer
Fletcher	Lucas (KY)	Sensenbrenner
Fossella	Lucas (OK)	Sessions
Fowler	Manzullo	Shadegg
Franks (NJ)	McCollum	Shaw
Frelinghuysen	McCrery	Sherwood
Galleghy	McHugh	Shimkus
Ganske	McInnis	Shows
Gekas	McIntosh	Shuster
Gibbons	McIntyre	Simpson
Gillmor	McKeon	Skeen
Goode	Metcalf	Skelton
Goodlatte	Mica	Smith (MI)
Goodling	Miller (FL)	Smith (NJ)
Gordon	Miller, Gary	Smith (TX)
Goss	Moran (KS)	Souder
Graham	Myrick	Spence
Granger	Nethercutt	Spratt
Green (TX)	Ney	Stearns
Green (WI)	Northup	Stenholm
Gutknecht	Norwood	Stump
Hall (OH)	Nussle	Sununu
Hall (TX)	Ortiz	Sweeney
Hansen	Ose	Talent
Hastings (WA)	Oxley	Tancredo
Hayes	Packard	Tanner
Hayworth	Paul	Tauzin
Hefley	Pease	Taylor (MS)
Herger	Peterson (MN)	Taylor (NC)
Hill (MT)	Peterson (PA)	Terry
Hilleary	Petri	Thomas
Hobson	Phelps	Thornberry
Hoekstra	Pickering	Thune
Hostettler	Pickett	Tiahrt
Hulshof	Pitts	Toomey
Hunter	Pombo	Trafilant
Hutchinson	Porter	Turner
Hyde	Portman	Upton
Isakson	Pryce (OH)	Vitter
Istook	Quinn	Walden
Jenkins	Radanovich	Walsh
John	Ramstad	Wamp
Johnson, Sam	Regula	Watkins
Jones (NC)	Reynolds	Watts (OK)
Kasich	Riley	Weldon (FL)
King (NY)	Rogan	Weldon (PA)
Kingston	Rogers	Weller
Knollenberg	Rohrabacher	Whitfield
Kuykendall	Ros-Lehtinen	Wicker
LaHood	Roukema	Wilson
Largent	Royce	Wolf
LaTourette	Ryan (WI)	Young (AK)
Lazio	Ryun (KS)	Young (FL)

NOT VOTING—10

Baldwin	Gilchrest	Rivers
Brown (CA)	Latham	Thurman
Chenoweth	McDermott	
Frost	McNulty	

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 306
affirmative Nays 118

¶78.9

[Roll No. 299]

AYES—306

Aderholt	Ballenger	Berry
Allen	Barcia	Biggart
Andrews	Barrett (NE)	Bilbray
Archer	Barton	Bilirakis
Armey	Bateman	Bishop
Bachus	Bentsen	Bliley
Baker	Bereuter	Blunt
Baldacci	Berkley	Boehler